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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/812,057	03/19/2001	Oguz Tanrikulu	2376.2003-000	9012

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HAMILTON, BROOK, SMITH & REYNOLDS, P.C.  
530 VIRGINIA ROAD  
P.O. BOX 9133  
CONCORD, MA 01742-9133

EXAMINER

HAROLD, JEFFEREY F

ART UNIT	PAPER NUMBER
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2644

DATE MAILED: 04/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/812,057

Applicant(s)

TANRIKULU, OGUZ

Examiner

Jefferey F Harold

Art Unit

2644

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 19 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-54 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 10, 11, 17, 20-22, 31, 32, 36, 38, 42-50 and 52-54 is/are rejected.
- 7) ☒ Claim(s) 2-9, 12-16, 18, 19, 23-30, 33-35, 37, 39-41 and 51 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Response to Amendment*

Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. ***Claims 1, 10, 11, 22, 31, 32, 43-60, 48-50 and 52-54*** are rejected under 35 U.S.C. 102(b) as being anticipated by Murata et al. (United States Patent 5,428,680), hereinafter referenced as Murata.

Regarding **claim 1**, Murata discloses a DTMF signal receiving apparatus equipped with a DTMF signal judging circuit. In addition, Murata discloses a process for determining the presence of DTMF in a communication signal, which reads on claimed "classifying", consisting of:

decomposing a subject signal into subbands, as disclosed at column 3, lines 35-46 and exhibited in figure 1;

determining the presence of energy in the subbands corresponding to at least one sinusoid, as disclosed at column 3, line 47-58 and exhibited in figure 1;

classifying the subject signal based on the presence of energy in the subband to instantiate a judging circuit, which reads on claimed "validation detector", related to a

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DTMF signal, which reads on claimed "protocol", of the classified subject signal to validate the subject signal, as disclosed at column 3, line 59 through column 6, line 4 and exhibited in figure 1.

Regarding **claim 10**, Murata discloses everything claimed as applied above (see claim 1), in addition Murata discloses wherein classifying results in classifying the signal as DTMF, as disclosed at column 3, line 59 through column 6, line 4 and exhibited in figure 1.

Regarding **claim 11**, Murata discloses everything claimed as applied above (see claim 1), in addition Murata discloses narrowing classification possibilities by filtering the subbands with band pass filters and low pass filters corresponding to the number of frequencies of the sinusoids within the respective subbands, as disclosed at column 3, lines 35-59 and exhibited in figure 1.

Regarding **claims 22, 31, 32, 43-46, 48-50 and 52-54**, they are interpreted and thus rejected for the reasons set forth above in the rejection of claims 1, 10 and 11.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. **Claims 17, 20, 21, 36, 38, 42, and 47** are rejected under 35 U.S.C. 103(a) as being unpatentable over Cox in view of well known prior art (MPEP 2144.03).

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Regarding **claim 17**, Murata disclose everything claimed, as applied above, (see claim 1), however, Murata fails to disclose classifying results in discriminating facsimile, modem, voice and DTMF signals. However, the examiner takes official notice of the fact that it was well know in the art to provide classifying results in discriminating facsimile, modem, voice and DTMF signals.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Murata by specifically providing classifying results in discriminating facsimile, modem, voice and DTMF signals, for the purpose of determining the type of signal present.

Regarding **claim 20**, Murata discloses everything claimed as applied above (see claim 1), however, Murata fails to disclose operating on a single digital processor. However, the examiner takes official notice of the fact that it was well know in the art to provide for operating on a single digital processor.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Murata by specifically providing a single digital processor, for the purpose of reducing the size of the apparatus.

Regarding **claim 21**, Murata discloses everything claimed as applied above (see claim 1), however, Murata fails to disclose a media gateway. However, the examiner takes official notice of the fact that it was well know in the art to provide a media gateway.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Murata by specifically providing for a media

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gateway, for the purpose of processing voice data over a data network using internet protocol.

Regarding **claims 36, 38, 42, and 47**, they are interpreted and thus rejected for the reasons set forth above in the rejection of claims 17, 20 and 21.

### ***Allowable Subject Matter***

3. ***Claims 2-9, 12-16, 18, 19, 23-30, 33-35, 37, 39-41, and 51*** are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

### ***Response to Arguments***

4. Applicant's arguments filed February 19, 2004, have been fully considered but they are not persuasive. Specifically applicant's arguments concerning "instantiating", Murata discloses judging the presence of a DTMF signal, thus Murata's judging (i.e. signal present or not present) is equivalent to instantiating of the DTMF detector.

### ***Conclusion***

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jefferey F Harold whose telephone number is 571-272-7519. The examiner can normally be reached on Monday - Friday 9 am - 5:30 pm.

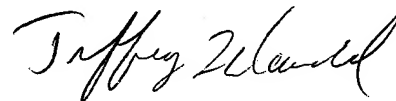
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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sinh H Tran can be reached on 571-272-7564. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



JFH  
April 5, 2005



Jefferey F Harold  
Examiner  
Art Unit 2644